

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH**REMARKS**

This Amendment is responsive to the Final Office Action mailed November 20, 2002. In that Office Action, claims 51 and 52 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 51 and 52 were also rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 7, 11, and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Silver, U.S. Patent No. 4,159,066 ("Silver"), as evidenced by Technology of Biscuits, Crackers, and Cookies (2000) ("Sugar Specification"). Claim 14 was further rejected under 35 U.S.C. §102(b) as being anticipated by Dickerson, U.S. Patent No. 5,706,980 ("Dickerson") as evidenced by California Raisins Marketing Board Website ("Raisin Specification"). Claims 21 and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Dickerson. Claims 32, 36, 39, and 44 were rejected under 35 U.S.C. §102(b) as being anticipated by Silver as evident by the Sugar Specification. Claims 39 and 44 were further rejected under 35 U.S.C. §102(b) as being anticipated by Dickerson as evidenced by the Raisin Specification. Claims 1, 2, 4-8, 10-17, 19, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Borek et al., U.S. Patent No. 5,695,805 ("Borek") and Zukerman et al., U.S. Patent No. 6,103,328 ("Zukerman"). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Borek and Zukerman, and further in view of Van Hulle et al., U.S. Patent No. 4,409,250 ("Van Hulle"). Claims 8, 9, 17, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Silver as evidenced by the Sugar Specification. Claims 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson and further in view of Christianson, U.S. Patent No. 3,686,001 ("Christianson"), Von Fulger, U.S. Patent No. 4,759,942 ("Von Fulger"), and Newarski, U.S. Patent No. 5,727,679 ("Newarski"). Claims 32, 33, 35-41, 43-45, and 49-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Borek and Zukerman. Claims 33, 34, 41, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Silver as evidenced by the Sugar Specification. Finally, claims 46-48 were

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

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rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson. With this Response, claims 2, 3, 8, 9, 16-18, 41, 42, 51, and 42 have been cancelled; claims 1, 7, 11, 13, 14, 21, 32-40, and 46 have been amended; and newly presented claims 53 and 54 added. It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

35 U.S.C. § 112 Rejections

Claims 51 and 52 were rejected under 35 U.S.C. §112, first paragraph. With this Response, claims 51 and 52 have been cancelled. However, claim 32 has been amended to incorporate limitations akin to those previously presented with claims 51 and 52. To this end, amended claim 32 references a "known" dry consumable product/pieces as suggested by the Examiner. Amended claim 32 further recites that at least one of the known product pieces has a maximum outer dimension greater than 0.4 inch, whereas the new product pieces each have a maximum outer dimension of not more than 0.4 inch, thereby clarifying at least one difference between the known and new product pieces. Support for these limitations is found, for example, in originally submitted claim 28 (now cancelled), and at page 12, lines 24-32. Therefore, it is respectfully submitted that amended claim 32 satisfies the requirements of 35 U.S.C. §112, first paragraph.

35 U.S.C. §§ 102 and 103 Rejections

Amended claim 1 relates to a portable, packaged consumable good article including a container providing two compartments that separately contain a liquid consumable product and a dry consumable product. In this regard, the dry consumable product comprises a plurality of pieces each having a diameter in the range of 0.2 – 0.25 inch and a density not less than 225 g/100 inch³. It is respectfully submitted that none of the cited references teach or otherwise suggest at least these limitations.

For example, the Examiner has relied upon Silver in view of the Sugar Specification in rejecting claims reciting a maximum outer dimension in the range of 0.2 – 0.25 inch. For example, in rejecting claim 9, the Examiner referenced the Sugar Specification as teaching "coarse granulated sugar has a particle size of 940 – 1000 microns, which falls between 0.24 and 0.25 inches". It is respectfully submitted that this conversion is incorrect. In particular,

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Serial No.: 09/781,583

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940 microns equals 0.037 inch; 1000 microns equals 0.039 inch. From a practical standpoint, a sugar granule, regardless of grade, is miniscule, and simply cannot have a maximum outer dimension in the range of 0.2 – 0.25 inch. Therefore, it is respectfully submitted that Silver in view of the Sugar Specification does not teach or otherwise suggest amended claim 1.

Further, it is noted that the above-described size limitation of 0.2 – 0.25 inch was previously set forth in now cancelled claim 3. The Examiner rejected claim 3 as being obvious over Dickerson in view of Borek and Zukerman in view of Van Hulle. Borek and Zukerman were relied upon as providing size and density characteristics of Cocoa Puffs®. In particular, Borek describes Cocoa Puffs as having a diameter of about 10 mm, which the Examiner has converted to 0.39 inch. Thus, Cocoa Puffs, as described in Borek, do not teach or suggest the 0.2 – 0.25 inch limitation of amended claim 1. The Examiner has recognized this deficiency, referencing Van Hulle as teaching a puffed cereal product having a diameter of 4 – 20 mm (0.15 – 0.78 inch). Van Hulle relates to a method for preparing sugar coated, puffed snacks upon microwave heating by a consumer. To this end, Van Hulle recites a variety of constituents related to puffable pieces (e.g., dough, cereals, sucrose, protein, salt, shortening, etc.) and puffing media useful for effectuating microwave puffing. While the Van Hulle specification recites volume expansion for the puffable dough pellets, no account is made for the puffing medium coating encompassing the puffed pellet. That is to say, the coating on each puffed pellet will increase in overall diameter thereof, such that the ranges alluded to by the Examiner are incomplete relative to the limitation of amended claim 1. Further, the various examples of Van Hulle do not satisfy the limitations of amended claim 1. In particular, each of Example I – III begin with an unpuffed piece having a length of 0.25 inch (Van Hulle, column 11, lines 46-48). In each of the examples, the so-formed pellets are puffed to a volume of 2x – 5x their original size. This means that each of the puffed pellets must have a diameter greater than 0.25 inch, and thus outside of the range set forth in amended claim 1. The remaining dimensional ranges referenced by the Examiner in Van Hulle (e.g., pre-puffed diameter of 2 – 20 mm) is not enabled by Van Hulle relative to the 2x – 5x volume expansion teachings. That is to say, the described range of volumetric expansion is only with respect to pre-puffed pellets having a diameter of 0.25 inch. Finally, Van Hulle is entirely silent upon the density of the resulting coated puffed products, and thus

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

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Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

does not teach or suggest the limitation of amended claim 1, whereby each of the pieces has a density of not less than 225 g/100 inch³.

Notably, the Cocoa Puff-related teachings of Borek and/or Zukerman cannot be modified in view of Van Hulle to arrive at the limitations of amended claim 1. In particular, Borek and Zukerman provide the alleged Cocoa Puff characteristics as background information. Modifying the known Cocoa Puff product in view of Van Hulle would most certainly affect the density and dimensional characteristics of the referenced Cocoa Puff pieces, taking the resulting product outside of the limitations of amended claim 1. Finally, Van Hulle provides a product presented to consumers in pre-puffed form. The consumer then subsequently puffs the product by heating in a conventional consumer microwave ovens (Van Hulle, column 2, lines 45-50). Thus, combining the teachings of Van Hulle with Dickerson would provide the dry food consumable product in pre-puffed form, requiring that the container be microwaved prior to use. Because the container further contains a liquid substance (e.g., milk) that is normally not to be heated, requiring the consumer to heat the dry consumable product prior to consumption would defeat the intended use of Dickerson. Further, because the liquid product is contained in close proximity to the dry food product, the liquid product would inherently impede proper puffing from occurring in the microwave oven, such that the resulting product would be simply unacceptable to consumers. This is in direct contrast to the desired consumable product presentation set forth in Dickerson. Thus, a requisite suggestion to modify Dickerson in view of Van Hulle and/or modify Borek/Zukerman in view of Van Hulle does not exist, and the resulting combination does not satisfy all limitations of amended claim 1.

In light of the above, it is respectfully submitted that amended claim 1 recites allowable subject matter.

Claims 4-6 depend from amended claim 1. As previously described, amended claim 1 is not taught or otherwise suggested by the cited references. Therefore, claims 4-6 are similarly allowable.

Amended claim 7 is similar to amended claim 1 in that a packaged consumable good article is recited including a container separately containing a liquid consumable product and a dry consumable product. Further, the dry consumable product includes a plurality of pieces each having a maximum outer dimension in the range of 0.2 – 0.25 inch. Further, amended

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

claim 7 recites that each of the plurality of pieces have a density less than 375 g/100 inch³. As previously described, the Sugar Specification does not satisfy the dimension range of amended claim 7, such that Silver in view of the Sugar Specification does not teach or otherwise suggest amended claim 7. Similarly, Borek and/or Zukerman do not satisfy the dimensional range limitation. Finally, Van Hulle does not satisfy the dimensional range limitation nor the density limitation, nor does a requisite suggestion to modify Dickerson in view of Van Hulle, and/or modify Borek/Zukerman in view of Van Hulle, exist. As such, it is respectfully submitted that amended claim 7 recites allowable subject matter.

Claims 10-13 depend from amended claim 7. As previously described, amended claim 7 is not taught or otherwise suggested by the cited references. Therefore, claims 10-13 are similarly allowable.

Amended claim 14 is similar to amended claim 1, and recites a packaged consumable good article including a container separately containing a liquid consumable product and a dry consumable product. In this regard, the dry consumable product is comprised of a plurality of pieces each having a density of not less than 225 g/100 inch³ and a maximum outer dimension of 0.2 – 0.25 inch. For the reasons previously described with respect to amended claim 1, it is respectfully submitted that none of the cited references teach or otherwise suggest at least these limitations. Therefore, amended claim 14 recites allowable subject matter.

Claims 15, 19, and 20 depend from amended claim 14. As previously described, amended claim 14 is not taught or otherwise suggested by the cited references. Therefore, claims 15, 19, and 20 are similarly allowable.

Claim 21 has been amended to incorporate the limitations of previously-submitted (now amended) claim 46. Claim 46 was rejected as being obvious in view of Dickerson. In this regard, the Examiner referenced Dickerson as teaching that one of the problems in attempting to consume both milk and cereal is the varying flow characteristics and size of the cereals, concluding that due to this recognition, Dickerson suggests selecting a dry consumable product being uniform in at least two of size, shape, and density. It is respectfully submitted that Dickerson does not provide this suggestion. Instead, in the same paragraph referenced by the Examiner (column 3, lines 10-16), Dickerson specifically states that “the comestibles consumption device described in this patent is able to solve these

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

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Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

problems and meet the objections of this patent.” (Dickerson, column 3, lines 20-22). Dickerson does not recognize that optimal flow characteristics can be achieved by the dry consumable product itself; instead, Dickerson relies solely upon the disclosed consumption device. That is to say, the “problem” of varying flow characteristics of cereal is solved by Dickerson solely by the described consumption device alone. Once solved, Dickerson has no reason to look to modifying the contained dry food product. In fact, Dickerson makes no mention of the desire of doing so. Thus, because Dickerson only envisions modifying the container and not the dry consumable product, the requisite suggestion to modify Dickerson relative to the limitations of amended claim 21 does not exist. Notably, in paragraph 47 of the final Office Action, the Examiner indicates that the claimed limitation of “promoting uniform gravity-induced flow” is not recited in claim 21. It is respectfully submitted that this exact language is set forth in amended claim 21 (prior to and following amendment thereof).

Claims 22-24, and 46-48 depend from amended claim 21. As previously described, amended claim 21 is not taught or otherwise suggested by the cited references. Therefore, claims 22-24, and 46-48 are similarly allowable.

Amended claim 32 relates to a method of manufacturing a packaged consumable product article, and includes the amendments previously described under the analysis of 35 U.S.C. §112, first paragraph, above. These amendments relate to now cancelled claims 51 and 52, which the Examiner previously rejected under 35 U.S.C. §103 as being obvious over Dickerson. In particular, the Examiner referenced Dickerson’s acknowledgement that varying flow characteristics of cereals create a problem when attempting to consume cereal and milk simultaneously. From this statement, the Examiner concludes that Dickerson suggests the limitations of amended claim 32. As previously described with respect to amended claim 21, it is respectfully submitted that no such suggestion exists. Once again, Dickerson specifically believes that the problem of varying flow characteristics is solved by modifying the container (Dickerson, column 3, lines 20-22). With this problem now solved, Dickerson cannot be viewed as recognizing a need to modify the contained dry food product, let alone suggesting such a modification. Instead, Dickerson is limited to use of a known dry food product in conjunction with the disclosed container. The method of amended claim 32 specifically recites providing a new dry consumable product that differs from the known

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

product. As such, because a requisite suggestion to modify does not exist, amended claim 32 recites allowable subject matter.

Claims 33-38, 49, and 50 depend from amended claim 32. As previously described, amended claim 32 is not taught or otherwise suggested by the cited references. Therefore, claims 33-38, 49, and 50 are similarly allowable.

Amended claim 39 relates to a method of manufacturing a packaged consumable product article and includes providing a dry consumable product comprised of a plurality of pieces each having a density of not less than 225 g/100 inch³ and a maximum outer dimension in the range of 0.2 – 0.25 inch. As previously described with respect to amended claim 1, none of the cited references teach or otherwise suggest at least these limitations. For example, the Sugar Specification, Borek, and Zukerman do not teach or suggest at least the limitation of a maximum outer dimension in the range of 0.2 – 0.25 inch. Further, Van Hulle does not teach or suggest the maximum outer dimension range nor the density limitation. Further, a requisite suggestion to combine Van Hulle with Dickerson and/or Borek/Zukerman does not exist. Therefore, it is respectfully submitted that amended claim 39 recites allowable subject matter.

Claims 40 and 43-45 depend from amended claim 39. As previously described, amended claim 39 is not taught or otherwise suggested by the cited references. Therefore, claims 40 and 43-45 are similarly allowable.

Newly presented claims 53 and 54 depend from amended claim 32. As previously described, amended claim 32 is not taught or otherwise suggested by the cited references. Therefore, claims 53 and 54 are similarly allowable. Further, claim 53 recites that the known product pieces are each characterized by a known product density, and that the new product pieces are each characterized by a new product density that is greater than the known product density. Claim 54 recites a known product density of less than 225 g/100 inch³ and a new product density of not less than 225 g/100 inch³. Support for these limitation is found, for example, at page 12, lines 24-32 in which reference is made to the known dry consumable product sold under the trade name Kix®. Based upon the product information presented on the side panel of Kix packaging, Kix has a density of 30 grams/1.333 cups. Converting this into terms corresponding with those set forth in the specification (whereby 1 dry cup equals 16.8 inch³), Kix has a density of 156 g/100 inch³. The referenced specification text recites a

Amendment and Response Under 37 C.F.R. 1.116

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Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

new product density of not less than 225 g/100 inch³, most preferably 225 – 375 g/100 inch³. Thus, it is respectfully submitted that the limitations of newly submitted claims 53 and 54 are properly supported by the specification. Further, none of the cited references teach or otherwise suggest these limitations. For example, as previously described with respect to amended claim 32, Dickerson does not provide the requisite suggestion to modify a known dry food product. Instead, Dickerson relies upon the disclosed container as solving the identified varying flow characteristics of cereal. As such, it is respectfully submitted that claims 53 and 54 recite additionally allowable subject matter.

CONCLUSION

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

Attached hereto is a marked-up version of the changes made to the specification and/or the claims by the current Amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

Respectfully submitted,

Charley Y. Lloyd et al.,

By her attorneys,

DICKE, BILLIG & CZAJA, P.A.

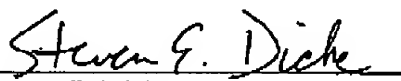
701 Building, Suite 1250

701 Fourth Avenue South

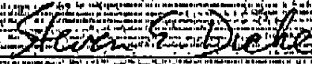
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted by facsimile to the attention of Examiner Robert A. Madsen, of the Patent and Trademark Office (703) 872-9311 on this 20th day of January, 2003.

By 
Name: Steven E. Dicke

EXPEDITED PROCEDURE
Examining Group Number 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Charley Y. Lloyd et al.	Examiner:	Robert A. Madsen
Serial No.:	09/781,583	Group Art Unit:	1761
Filed:	February 12, 2001	Docket No.:	5520USA (G180.140.101)
Due Date:	January 20, 2003		
Title:	PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH		

AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.116

Box AF
Commissioner for Patents
Washington, D.C. 20231

**VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

Dear Sir/Madam:

This Amendment is responsive to the Final Office Action mailed November 20, 2002.
Please amend the above-identified patent application as follows:

IN THE CLAIMS

Please cancel claims 2, 3, 8, 9, 16-18, 41, 42, 51, and 52.

Please amend claims 1, 7, 11, 13, 14, 21, 32-40, and 46 as follows:

1.(Twice Amended) A portable, packaged consumable good article comprising:

a container including:

- a first compartment,
- a second compartment connected to the first compartment,
- a first pour opening associated with the first compartment for allowing
restricted flow of a contained product therefrom,
- a second pour opening associated with the second compartment for facilitating
restricted flow of a contained product therefrom;
- a liquid consumable product contained within the first compartment; and
- a dry consumable product contained within the second compartment, the dry
consumable product comprising a plurality of substantially uniform,

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Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND
A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

substantially spherical pieces each having a diameter ~~not greater than 0.4 in~~
the range of 0.2 - 0.25 inch and a density not less than 225 g/100 inch³;

wherein the liquid consumable product is contained separate from the dry consumable
product, and wherein the container is adapted to facilitate on-the-go
consumption of the liquid and dry consumable products.

2.(Cancelled) ~~The packaged consumable good article of claim 1, wherein the pieces each
have a diameter in the range of 0.2-0.4 inch.~~

3.(Cancelled) ~~The packaged consumable good article of claim 1, wherein the pieces each
have a diameter in the range of 0.2-0.25 inch.~~

4. The packaged consumable good article of claim 1, wherein the pieces each have a
density in the range of 225-375 g/100 inch³.

5. The packaged consumable good article of claim 1, wherein the dry consumable
product is a ready-to-eat cereal.

6. The packaged consumable good article of claim 5, wherein the ready-to-eat cereal is a
puffed cereal.

7.(Twice Amended) A portable, packaged consumable good article comprising:

a container including:

a first compartment,

a second compartment connected to the first compartment,

a first pour opening associated with the first compartment for facilitating
restricted flow of a contained product therefrom,

a second pour opening associated with the second compartment for facilitating
restricted flow of a contained product therefrom;

a liquid consumable product contained within the first compartment; and

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

a dry consumable product contained within the second compartment, the dry consumable product comprised of a plurality of pieces each having a maximum outer dimension ~~of less than 0.4~~ in the range of 0.2 – 0.25 inch and a density of less than 375 g/100 inch³;

wherein the liquid consumable product is contained separate from the dry consumable product, and wherein the container is adapted to facilitate on-the-go consumption of the liquid and dry consumable products.

~~8.(Cancelled) The packaged consumable good article of claim 7, wherein each of the pieces has a maximum outer dimension in the range of 0.2-0.4 inch.~~

~~9.(Cancelled) The packaged consumable good article of claim 7, wherein each of the plurality of pieces has a maximum outer dimension in the range of 0.2 – 0.25 inch.~~

10. The packaged consumable good article of claim 7, wherein each of the plurality of pieces is substantially spherical.

11.(Amended) The packaged consumable good article of claim 7, wherein each ~~at of the~~ plurality of pieces has a density of not less than 225 g/100 inch³.

12. The packaged consumable good article of claim 11, wherein each of the plurality of pieces has a density in the range of 225 – 375 g/100 inch³.

13.(Amended) The packaged consumable good article of claim ~~7~~, wherein the plurality of pieces are puffed cereal pieces.

14.(Twice Amended) A portable, packaged consumable good article comprising:

a container including:

a first compartment,

a second compartment connected to the first compartment,

Amendment and Response Under 37 C.F.R. 1.116

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Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

- a first pour opening associated with the first compartment for facilitating restricted flow of a contained product therefrom,
 - a second pour opening associated with the second compartment for facilitating restricted flow of a contained product therefrom;
 - a liquid consumable product contained within the first compartment; and
 - a dry consumable product contained within the second compartment, the dry consumable product comprised of a plurality of pieces each having a density of not less than 225 g/100 inch³ and a maximum outer dimension in the range of 0.2 – 0.25 inch;
- wherein the liquid consumable product is contained separate from the dry consumable product, and wherein the container is adapted to facilitate on-the-go consumption of the liquid and dry consumable products.

15. The packaged consumable good article of claim 14, wherein the pieces each have a density in the range of 225-375 g/100 inch³.

~~16.(Cancelled)The packaged consumable good article of claim 14, wherein the pieces each have a maximum outer dimension not greater than 0.4 inch.~~

~~17.(Cancelled)The packaged consumable good article of claim 16, wherein the plurality of pieces each have a maximum outer dimension in the range of 0.2 – 0.4 inch.~~

~~18.(Cancelled)The packaged consumable good article of claim 17, wherein each of the plurality of pieces has a maximum outer dimension in the range of 0.2 – 0.25 inch.~~

19. The packaged consumable good article of claim 14, wherein each of the pieces are substantially spherical.

20. The packaged consumable good article of claim 14, wherein the plurality of pieces is puffed cereal.

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND
A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

21. (Amended) A portable, packaged consumable good article comprising:

a container including:

a first compartment,

a second compartment connected to the first compartment,

a first pour opening associated with the first compartment for facilitating restricted flow of a contained product therefrom,

a second pour opening associated with the second compartment for facilitating restricted flow of a contained product therefrom;

a liquid consumable product contained within the first compartment; and

a dry consumable product contained within the second compartment, the dry consumable product comprised of a plurality of pieces that are substantially uniform in at least ~~one~~ two characteristics selected from the group consisting of a shape, size and density, the selected characteristics configured to promote substantially uniform, gravity-induced flow through the second pour opening; wherein the liquid consumable product is contained separate from the dry consumable product.

22. The packaged consumable good article of claim 21, wherein each of the plurality of pieces is substantially spherical, having a diameter in the range of 0.2 - 0.4 inch and a density in the range of 225 - 375 g/100 inch³.

23. The packaged consumable good article of claim 21, wherein each of the plurality of pieces is puffed cereal.

24. The packaged consumable good article of claim 21, wherein the second pour opening defines a transverse cross-sectional area, and each of the plurality of pieces define a maximum cross-sectional area, and further wherein the second pour opening transverse cross-sectional area is at least 2.5 times greater than the maximum cross-sectional area of each of the plurality of pieces.

25. Previously cancelled.

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

26. Previously cancelled.

27. Previously cancelled.

28. Previously cancelled.

29. Previously cancelled.

30. Previously cancelled.

31. Previously cancelled.

32.(Amended) A method of manufacturing a packaged consumable product article comprising:

providing a container including a first compartment, a second compartment connected to the first compartment, a first pour opening fluidly connected to the first compartment for facilitating restricted product flow therefrom, and a second pour opening fluidly connected to the second compartment for facilitating restricted product flow therefrom;

dispensing a volume of liquid consumable product into the first compartment;

providing a new dry consumable product based upon an ingredient composition of a known dry consumable product ^{and} consisting of a plurality of known product pieces at least one of which has a maximum outer dimension greater than 0.4 inch, wherein the new dry consumable product has an ingredient composition identical to the ingredient composition of the known dry consumable product and is comprised of a plurality of new product pieces each having a maximum outer dimension of not more than 0.4 inch; and

dispensing a quantity of the new product pieces into the second compartment;

wherein the container separately contains the liquid and dry consumable products.

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Charley Y. Lloyd et al.

Serial No.: 09/781,583

Filed: February 12, 2001

Docket No.: 5520USA

Title: PORTABLE CONTAINER SEPARATELY CONTAINING TWO CONSUMABLE PRODUCTS, AND A DRY CONSUMABLE PRODUCT, ESPECIALLY RTE CEREAL, FOR USE THEREWITH

33.(Amended) The method of claim 32, wherein each of the new product pieces has a maximum outer dimension in the range of 0.2-0.4 inch.

34.(Amended) The method of claim 33, wherein each of the new product pieces has a maximum outer dimension in the range of 0.2 - 0.25 inch.

35.(Amended) The method of claim 32, wherein each of the new product pieces has a density in the range of 225 - 375 g/100 inch³.

36.(Amended) The method of claim 32, wherein the plurality of new product pieces are substantially uniform.

37.(Amended) The method of claim 32, wherein each of the new product pieces is substantially spherical.

38.(Amended) The method of claim 32, wherein the new dry consumable product is ready-to-eat cereal and the liquid consumable product is milk.

39.(Twice Amended) A method of manufacturing a packaged consumable product article comprising:

providing a container including a first compartment, a second compartment connectable to the first compartment, a first pour opening fluidly connectable to the first compartment for facilitating restricted product flow therefrom, and a second pour opening fluidly connectable to the second compartment for facilitating restricted product flow therefrom, the container being adapted to facilitate on-the-go consumption of product from the first and second compartments;

dispensing a volume of liquid consumable product into the first compartment;

providing a dry consumable product comprised of a plurality of pieces each having a density of not less than 225 g/100 inch³ and a maximum outer dimension in the range of 0.2 - 0.25 inch; and

Amendment and Response Under 37 C.F.R. 1.116

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dispensing a quantity of the pieces into the second compartment;
wherein the container separately contains the liquid and dry consumable products.

40.(Amended) The method of claim 39, wherein providing a dry consumable product includes forming each of the pieces to have a density in the range of 225-375 g/100 inch³.

~~41.(Cancelled) The method of claim 39, wherein providing a providing a dry consumable product includes forming the pieces to have a maximum outer dimension in the range of 0.2-0.4 inch.~~

~~42.(Cancelled) The method of claim 41, wherein each of the pieces has a maximum outer dimension in the range of 0.2-0.25 inch.~~

43. The method of claim 39, wherein each of the pieces is substantially spherical.

44. The method of claim 39, wherein the plurality of pieces are substantially uniform.

45. The method of claim 39, wherein the dry consumable product is ready-to-eat cereal and the liquid consumable product is milk.

46.(Amended) The packaged consumable good article of claim 21, wherein the plurality of pieces are substantially uniform in ~~at least two characteristics selected from the group consisting of shape, size, and density.~~

47. The packaged consumable good article of claim 21, wherein each of the plurality of pieces are substantially spherical, deviating no more than 10% in any one dimension from a true sphere.

48. The packaged consumable good article of claim 21, wherein an entirety of the dry consumable product consists of the plurality of pieces, the plurality of pieces being substantially uniform in shape, size, and density.

Amendment and Response Under 37 C.F.R. 1.116

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49. The method of claim 32, wherein providing a dry consumable product includes:
selecting a maximum outer dimension of the plurality of pieces based upon a desired,
gravity-induced flow of the plurality of pieces through the second pour
opening.
50. The method of claim 49, wherein the selected maximum outer dimension is based
upon an estimated cross-sectional area of the second pour opening.
51. (Cancelled) ~~The method of claim 32, wherein providing a dry consumable product
includes:
forming the plurality of pieces based upon an ingredient formulation of an available
dry consumable product consisting of a plurality of pieces each having an
outer dimension greater than 0.4 inch.~~
52. (Cancelled) ~~The method of claim 51, wherein an ingredient formulation of the dry food
product is the same as the ingredient formulation of the available dry food product.~~

Please add newly presented claims 53 and 54 as follows:

- 53. (Newly Presented) The method of claim 32, wherein the known product pieces are
each characterized by a known product density, and further wherein the new product pieces
are each characterized by a new product density greater than the known product density.
54. (Newly Presented) The method of claim 53, wherein the known product density is less
than 225 g/100 inch³ and the new product density is not less than 225 g/100 inch³.--